

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 28 January 2008. Responsive to the objections and rejections made in the Office Action, Claims 1, 3, 10 and 11 have been amended to clarify the language thereof and/or the combination of method steps that form the invention of the subject Patent Application. Additionally, Claim 4 has been cancelled by this Amendment.

In the Office Action, the Examiner rejected Claims 1-15 and 20 under 35 U.S.C. § 102(e), as being anticipated by Kikuchi, et al., U.S. Patent 6,937,540 (hereinafter “Kikuchi”). Claims 16-19 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Kikuchi in view of Katz, et al., U.S. Patent No. 6,356,971 (hereinafter “Katz”).

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the method of the invention of the subject Patent Application as now claimed. The invention of the subject Patent Application is directed to a method for seamless record of real-time video and audio data that is utilized in a disc burning system having a disc burning device and a storing device for recording a real-time video and audio data. The method includes the step of recording the real-time video and audio data to a disc by the disc burning device. The method further includes the step of recording the continuing real-time video and audio data to the storing device after the disc is fully recorded and saving the

continuing real-time video and audio data as a plurality of multimedia files. Each multimedia file has a size smaller than or approximately equal to a capacity of the disc.

From another aspect, the present invention is directed to a system for seamless record of real-time video and audio data that is used for recording a real-time video and audio data. The system includes a disc burning device for recording the real-time video and audio data to a disc. The system further includes a storing device for saving the continuing real-time video and audio data as a plurality of multimedia files after the first disc is fully recorded. Each multimedia file has a size smaller than or approximately equal to a capacity of the disc.

In contradistinction, the Kikuchi et al. reference is directed to an information recording device that handles a plurality of recording surfaces and method therefore. The system includes a disc writer and a hard drive so that as the disc becomes fully written, data continues to be recorded on the hard drive for subsequent transfer to a second disc. However, contrary to the Examiner's interpretation, the reference nowhere discloses or suggests limiting the size of the files stored on the hard drive to be less than or equal to the storage capacity of a disc. With reference to the disclosure, Col. 14, lines 1-28, such teaches away from limiting the file size to be less than or equal to the storage capacity of a disc. Referring first, to Col. 13, lines 61-67, duplicate recording is taking place on both the hard drive and the disc as the disc approaches being filled. Then, when the

disc capacity has been reached, recording continues on the hard drive until a new recordable disc (or second side of the disc) is provided by the user. The duplicated data and the data that followed in time thereafter is then recorded to the second disc, and if the second disc approached its capacity then the process would continue. The reference neither discloses nor suggests a file size limits for the hard drive.

Hence, Kikuchi fails to disclose a method step of recording the continuing real-time video and audio data to the storing device after the disc is fully recorded and saving the continuing real-time video and audio data as a plurality of multimedia files, where each multimedia file having a size smaller than or approximately equal to a capacity of the disc, as now defined in Claim 1. The reference also fails to disclose a system having a storing device for saving the continuing real-time video and audio data as a plurality of multimedia files after the first disc is fully recorded, where each multimedia file having a size smaller than or approximately equal to a capacity of the disc, as now claimed in Claim 10. Further, as the reference fails to suggest such a combination of limitations, and in fact teaches away from that combination, it cannot make obvious that combination either.

While the dependent claims are believed to provide further patentably distinct limitations, they are at least patentably distinct for the same reasons as the independent claims upon which they are dependent.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

No fees are believed to be due with this Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



David I. Klein
Registration #33,253

Dated: *28 May 2008*

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586